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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/231,714	01/15/1999	PATRICK E. PATTERSON	09939/003001	2717

7590

04/25/2002

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EXAMINER

KANG, PAUL H

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/231,714

Applicant(s)

PATTERSON, PATRICK E. 

Examiner

Paul H Kang

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the claim element "information" appears twice, apparently identifying different information items. In the first instance on line 2, "information" appears to represent a user request for server data in addition to user's personal information (e.g. email address). In the second instance on line 3, "information" appears to represent only a user request for server data.

In order to further the prosecution of this patent application, the first instance of "information" will be interpreted to be "a second information," and the second instance of "information" will be interpreted to be "a first information." The Applicant is invited to amend the claim language to more distinctly point out the Applicants' invention.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, US Pat. No. 6,067,526 in view of Montulli, US Pat. No. 6,134,592.

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4. As to claims 1-6, 20, 21 and 22, Powell teaches the invention substantially as claimed. Powell teaches a computer program and method of delivering electronic content, the computer program and method comprising:

providing instructions that cause a first computer to... transmit a second information including an e-mail address to a second computer in response to a request for a first information (Powell, col. 9, line 46 – col. 10, line 51 and col. 13, lines 5-46); and

processing the transmitted second information at the second computer and selecting electronic content for transmission and transmitting the selected electronic content (Powell, col. 9, line 46 – col. 10, line 51 and col. 13, lines 5-46).

However, Powell does not explicitly teach dynamically transmitting the second information, wherein there is no manual user input of user information. Instead, Powell prompts the user to enter the e-mail and other information prior to transmitting the request (Powell, col. 13, lines 5-46).

In the same field of endeavor, Montulli teaches a system for dynamically transmitting user information to a remote server (Montulli dynamically transmits information stored in cookies in response to a data request; Montulli, col. 2, line 15 – col. 3, line 29 and col. 11, line 48 – col. 13, line 26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated dynamic transmission of information, as taught by Montulli, into the system of Powell for the purpose of increasing the efficiency of the data transfer.

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5. As to claims 7 and 8, Powell-Montulli teach providing demographic and system information (Powell, col. 10, lines 5-34).

6. As to claims 9-11, Powell-Montulli teach processing the information comprising executing a CGI script (Powell, col. 7, line 15 – col. 8, line 44).

7. As to claim 12-16, Powell-Montulli teach a system wherein the electronic content comprises text, graphics, audio, video or executable instructions (Powell, col. 9, line 7 – col. 10, line 51 and col. 13, line 5 – col. 14, line 33 and Montulli, col. 6, line 1 – col. 7, line 12 and col. 11, line 50 – col. 13, line 26).

8. As to claims 17-19, Powell-Montulli teach a system wherein the information comprises selecting electronic content based on the transmitted information, and further comprising identification of the instructions and the computer that transmitted the information (Montulli, col. 6, line 1 – col. 7, line 12 and col. 11, line 50 – col. 13, line 26).

9. As to claim 23, Powell-Montulli teach a system wherein the instructions that cause the processor to select electronic content comprise instructions that cause the processor to use a table that indicates electronic content corresponding to data included in the received information (Powell, col. 16, lines 22-62).

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10. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection. The Applicant argued in substance that the prior art of record does not teach the newly added feature of dynamically transmitting information including e-mail address. The new grounds of rejection teaches this feature.

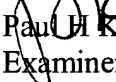
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9731 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
Art Unit 2152

April 18, 2002



LE HIEN LUU
PRIMARY EXAMINER